

SO ORDERED.



1 BRIAN A. PAINO (AZ BN 027091)
2 KYLE J. SHELTON (AZ BN 027379)
3 PITE DUNCAN, LLP
4 4375 Jutland Drive, Suite 200
5 P.O. Box 17933
San Diego, CA 92177-0933
Telephone: (858) 750-7600
Facsimile: (619) 590-1385
kshelton@piteduncan.com

Dated: June 24, 2010

**REFIELD T. BAUM, SR
U.S. Bankruptcy Judge**

Attorneys for WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO WACHOVIA MORTGAGE, FSB, FKA WORLD SAVINGS BANK, FSB

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA - PHOENIX DIVISION

In re

Case No. 2:10-BK-10866-RTBP

MARK LYNN HARMER AND KAREN JO
HARMER.

Chapter 7

ORDER FOR RELIEF

WELLS FARGO BANK, NATIONAL
ASSOCIATION, SUCCESSOR BY MERGER
TO WACHOVIA MORTGAGE, FSB, FKA
WORLD SAVINGS BANK, FSB.

Movant.

v

MARK LYNN HARMER AND KAREN JO
HARMER, Debtor(s); and ANTHONY H.
MASON, Chapter 7 Trustee.

Respondents.

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay having been duly served upon Respondent, Respondent's counsel, and the Trustee, and no objection having been received, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The automatic stay of 11 United States Code section 362 is hereby immediately terminated as it applies to the enforcement by Movant of all of its rights in the real property

1 under the Note and Deed of Trust commonly known as 5816 Knight Ave, Las Vegas, Nevada
2 89107-2602 ("Real Property"), which is legally described as:

LOT SEVEN (7) IN BLOCK TWENTY-FIVE (25) OF
CHARLESTON HEIGHTS TRACT NO. 6-A AS SHOWN BY
MAP THEREOF ON FILE IN BOOK 5 OF PLATS, PAGE 39, IN
THE OFFICE OF THE COUNTY RECORDER, CLARK
COUNTY, NEVADA.

6 2. That the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) is
7 waived;

8 3. Movant is authorized to foreclose its security interest in the Real Property under
9 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

10 4. Post-petition attorneys' fees and costs for the within motion may be added to the
11 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

12 5. Upon foreclosure, in the event Debtors fail to vacate the Property, Movant may
13 proceed in State Court for forcible detainer pursuant to applicable state law;

14 6. Movant may offer and provide Debtors with information re: a potential
15 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
16 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
17 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
18 liability is discharged in this bankruptcy case;

19 7. This Order shall be binding and effective despite any conversion of this
20 bankruptcy case to a case under any other chapter of Title 11 of the United States Code; and

21 8. Counsel for Movant is to serve a copy of this Order immediately upon Debtors,
22 Debtors' counsel, the Trustee, and all other interested parties entitled to Notice of Motion.

23 DATED this _____ day of _____, 2010.

UNITED STATES BANKRUPTCY JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28